Exhibit A

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Signature (		med: <u>01</u>	/05/2006			By: Do	nna Wolfe	<u> </u>
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, –	n Bank New England	· [	Account Title ESCOM LLC	& AO	aress	*		
75 State			ESCOM LLC		•			
Boston Ma	a 02110	·	1					
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]		·	123 NEWBURY S		FLOOR			
			BOSTON MA 021	16			•	1
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IMPORTANT AC	COUNT OPENING INFORMATION: Federal law rec	quires	☐ Individual	Hororoh	MIH FOUNDATE		oration - For P	
us to obtain suffi asked several que	clent information to verify your identity. You may estions and to provide one or more forms of	be	☐ Joint with Su	rvivorsi	hip.	_	oration - Nonp	
identification to f	ultill this requirement. In some instances we may	use	Informal Trus				ership	iont.
is protected by or	to confirm the information. The information you pr ur privacy policy and federal law.	ovide		-		_	Proprietorship	
	ntity Information below. There is additional Owner	.lQimar				learned .	ed Liability Cor	mpany
Information space	on page 2.	(n.Biter			_	_	corporated Ass	• •
Owner/Signer	r Information 1		Formal Trust-	Seperat	e Agreemen	t Dated:		
Name	ANDREW T MILLER	7.07	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		,	· ·		
Address	32 STUART ST	·   .	Type of Acco	unt	Account	4.18	Initial Depo	sit.Source
(No P.O. Boxes)	NEWTON MA 02459		Checking		61904955806		4 10.00	
Mailing Address (if different)	·						⊠ cesh □	Check
Home Phone	(617)416-6586						<b>-</b>	
Work Phone	(617)517-9311					<del></del>		
Mobile Phone							Cash	Check
E-WW	•		<u> </u>					
Birth Date	03/25/65		<u> </u>					
SSN/TIN	034-62-9289		Number of signatur	res requ	uired for witl	ndrawal:_	1 .	.•
Country of Citizenship	United States		Signature(s)	Marine.		Tarakan		
Primary ID	KC - IDing TM Sup Approval		The undersigned at and employment hi	uthoriza	the financia	ıl institutk	on to investige	te credit
	EC -		agency(les) on ther	n as inc	dividuals. Ex	cept as of	therwise provid	ded by law
Secondary ID			or other documents withdrawals from t signatures indicates	he acco	ount(s), prov	ided the r	edulred numbe	r of
Occupation	PRESIDENT & CO FOUNDER		as, or on behalf of,	the ac	count owner	(s) scree	to the terms a	naily and f, and
Employer's Name & Address	INTERNET REAL ESTATE.COM 123 NEWBURY ST 2ND FL BOSTON MA 02118		acknowledge receit	ot of co	py(les) of, ti	ne followh	ng:	
Mother's Matden Name			X Deposit Accour	nt Agre				vacy Policy
Business Entit			LA res Schedule		<u></u> (	D Disclos	ents	
Name	ESCOM LLC		<u> </u>					
EN	20-4038609		r /					7
Phone	(617)517-9312		Lx					1
Mobile Phone E-Me≇			~ V		<u> </u>			
State/Country & Date	DE /	<del></del>  _	Qualifile Approx	/ed	Sup.	Approval		·
of Organization	01/04/08		[ 1)1	<i>,</i> ·				7
Nature of Business	MARKETING		1× 1-00				•	į
Address	123 NEWBURY ST 2ND FLOOR		Qualifile Approv	red	Sup.	Approval		
(No P.O. Boxes)	BOSTON MA 02116		ľ					1
Mailing Address			Lx ,					1
(If different)			Qualifile	-	Sup.	Approval		
Primary Purpose of Account	Operating	· ] i	· · · · · · · · · · · · · · · · · · ·	•		••		7
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	MELLYN	P	rurpose, the last of	the abo	ove algners i	s an Auth	orized Signer.)	

Pag	Page: 1 Document Name: untitled					
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ប	BOSTON MA 02115-2839		Birth date Home phone Work phone	01/04/2006 000-000-0000 617-517-9312	- <del> </del>	001
	ESCOM LLC PETER HUBSHMAN ANDREW T MILLER	Acct Rel PRIMARY ORG-OFFICER ORG-OFFICER	Demand Deposit Branch 0619 Area 0619 Officer 015 Class 10005	and Deposit 0619 Area 0 015 Class 10		0 08 07 07
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Ø006/007

Americani, o	LIMITED LIABILITY	COMPANY AUTHORIZATION RESOLU	JTION "
Sovereign Bank I	New England	By: ESCOM LLC	
75 State St			ed Liability Company)
Boston Ma 02110		123 NEWBURY ST 2ND	FLOOR (Address)
		BOSTON MA 02116	•
•		BOSTON MA 02116 (Chy.	
A. I, PETER HUBSHM	AN	, certify that I am a manager of, or a r	member designated to act on behalf
the above named limit	ed liability company organized und	or the laws of DELAWARE	Federal Employer I.D. Num!
20-4038609	engaged in busic	ess under the trade name of ECCOMULE.	
		, and that the following is a correct copy of re	solutions adopted at a duly and prope
designated by the mer	mbers of the limited liability compa nt, hereinafter referred to as "Ma	of all members of the limited liability company as pragers. These resolutions appear in the minut	anty company or the person or perso
<ul> <li>Be it resolved that,</li> </ul>			
(2) This resolution sha this Financial Institution	म्री continue to have effect until exp n.	s a depository for the funds of this limited liabilities written notice of its rescission or modifica	tion has been received and recorded
(4) Any of the persons to make any and all coowers indicated beloporrowed from this Financial to expension to be a subject to expension to the subject	s named below, so long as they ac ther contracts, agreements, stipu w, from time to time with this F nancial institution or any other b	its, withdrawals, rediscounts and borrowings on of this resolution are hereby ratified, approved in a representative ospacity as agents of this lations and orders which they may deem advitionancial institution, concerning funds deposite usiness transacted by and between this limite	d and confirmed. Himited Rability company, are authorize sable for the effective exercise of the d in this Financial institution, mone ad Hability company and this Financial
5) Any and all prior re he operation of this ilm 6) This limited flabilit apresentative(s) of this ther orders for the pa impose. The Financial ways been affixed so to	solutions adopted by the Manager nited liability company's accountied by company agrees to the term s limited liability company. The Fi syment of money that are drawn institution may relay on faccincila	s of this limited liability company and certified to are in full force and effect, unless supplemented and conditions of any account agreement, nancial institution may charge this limited liability on the Financial institution which contain the signatures, regardless of by whom or by what lignature specimens in section C, or the facsiming to time.	n properly opened by any authorize lifty company for all checks, drafts, ( required number of signatures for the
		ressed restrictions) is authorized to:	
	Name and Title	Signature	Facsimile Signature
a) ANDREW MILLER	PRESIDENT		_
) PETER HUBSHMAN	CEO	1///	
.)		730	
D			
ndicate a, b, o and/or o	d		
.в	(i) Exercise all of the powers II:	ited in (ii) through (vi).	
		g account(s) in the name of this limited liability	company.
	(iii) Endorse checks and orders Institution. Num	s for the payment of money and withdraw ber of authorized signatures required for this pu	funds on deposit with this Financia
	_ (iv) Borrow money on behalf an notes or other evidences of	d in the name of this limited liability company.	, sign, execute and deliver promissor
	Num	ber of authorized signatures required for this pu	irpose
<del></del>	real estate or other propert security for sums borrowed negotiated or discounted	ortgage or pledge bills receivable, warehouse r y now owned or hereafter owned or acquirer, and to discount the same, unconditionally guand to walve demand, presentment, protes	d by this limited liability company as
		ber of authorized signatures required for this pu	
		ne purpose of renting and maintaining a Safe De	
		ons required to gain access and to terminate the	
I further certify that to wful authority to adop thority to exercise the	t the foregoing resolutions and to	ty company have, and at the time of adoption confer the powers granted to the persons na	of this resolution had, full power and med who have full power and lawful
	n Witness Whereof, I have hereun	a subscribed my name and affixed the seal, if a	ny, of this limited liability company on
	01/05/2006	_	A contract of
	(date)		<b>)</b>
		Medeler	<u> </u>
	Seal	Attest by One Other Manager	
		•	

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Ø007/007

Signature	Gard .	Date Opened: 0	1/05/2006		<b>`</b> =		
Institution	Name & Address	Date Opened.	Internal U	100		y: <u>Donna Wolfe</u>	
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			BOSTON MA	02116			
	•						
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			Ownership				
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			☐ Informal	Trust		Partnership	
F	on busech bouch sur legelat i	8W,	j			Sole Proprietorshi	n
ter Business	Entity information below. There	is additional Owner/Signer	1		X	Limited Liability C	r Marany
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lwner/Sign	er Information 1		Formal Tr	ust-Separat	ts Agreement Di	etad:	2000 H 100 N
ктне	ANDREW'T MILLER		10		«		<del></del>
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P.O. Boxes)	NEWTON MA 02459			V. C. V.		Initial Dep	osit/Sourc
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	KC - IDing TM		Signature(s)				
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loyar's Nama	INTERNET REAL ESTATE.COM		o, or our pought	VI. DRI BUG	OUTTOWORKSIA	NIGO FA STO FAMA A	Hally and
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Exhibit B

06/09/2008 MON 12:52 FAX Ø004/005 **CUSTOMER ADDRESS** CUSTOMER SIGNATURE Nate 03/04/08 17:24 Teller 002 Hathdrayal Sed= 195 AN: \*\*\*\*\*\*\*5806 0619 Transaction Anounts \$3,403.35 Prior Day Closing Bal: \$3,403.35 Current Balances Available Calances 45637m55944

CaptureDate:03/04/2008 Account:61904955806 AltAcct:61904955806 Amount:\$3,403.35 RT:56375594 TC:94 OrigTC:0
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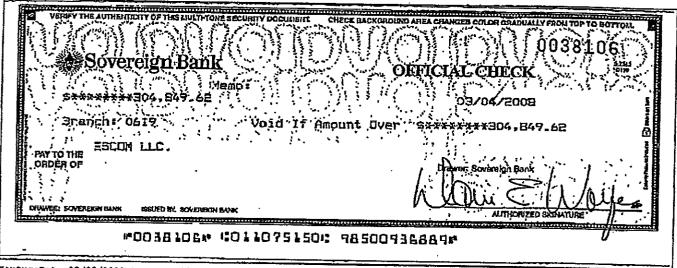
CUSTOMER NAME CSCON LCC DATE 3 4(08)
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CUSTOMER SIGNATURE 112-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1
Ant V234,849.62 AMOUNT
61900164940 \$ 304,849.62
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aptureDate:03/04/2008 Account:61900164940 AltAcct:61900164940 Amount:8304.849.62 RT:56375594 TC:94 OrigTC:0

CaptureDate:03/04/2008 Account:61900164940 AltAcct:61900164940 Amount:\$304,849.62 RT:56375594 TC:94 OrigTC:0
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Ø005/005 Ø002/002



CaptureDate:03/05/2008 Account:98500936889 AltAcct:98500936889 Amount:8304,849.62 RT:11075150 TC:90 OrigTC:0
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Exhibit E

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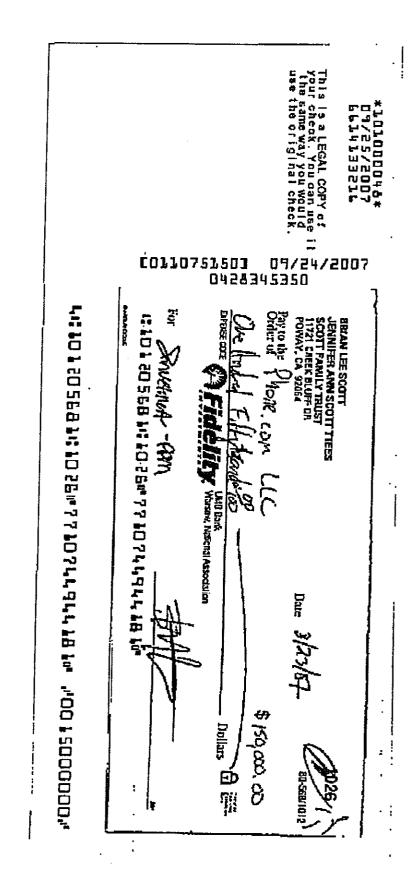
## Confirmation of Endorsement Form

Depositor/Customer Information
Depositor/Customer Name: PRIVILEY LLC . Account Number: 61900168502
Address: DITATERNATIONAL PLACIG: BOSTON MA 02110:
Physicantormation with the state of the stat
I am named as a payee on the following check:
Check No. 0038/06 dated 8/04/08 in the amount of #304,849.62.
Namo of makeri Sovericon BANK.
Name of bank check is drawn on: Sovener on.
Namo(s) of payac(s) ESCOM. CLC. A. SCIBSIDIARY OF PRIVICEY CLC.
Check One
A represent and warrant tract endorsed the foregoing check and transforred it to:
[nume of depositor/oustomer].  If represent and warrant that I transferred for consideration but without endorsement the forgoing check to:
the check, as of the time of my transfer the same without of depositorious tomers. I hereby warrant to subsequent transferces of
UCC \$ 3.416 by virtue of my endorsement if I had endorsed the check, namely, that: 1) I am a person entitled to enforce the check. 2)  All signatures on the check are authentic and surpovized 3) The check has a check in the check at a check a
claim in recoupment of any party which can be apported explications not peen affered. 4) Inc check is not subject to a defense or
commenced with respect to the maker, acceptor or drawer of the check.
Slegiotore 200 30 Charles and the contract of
In consideration of the actentance of the chart by Cavings - Tartet and the
In consideration of the acceptance of the check by Sovereign Bank (the Bank') for deposit into an account and/or negotiation in which I hold no interest or signing authority, I hereby agree to be subject to the remedies provided in UCC § 3-416(b).
(histractions: If payee is signing this form in the prosence of a CBO Team Member, the CBO team member campletes the Witness section and documents the payee's a complete of the Witness section and documents the payee's a complete of the Witness section and documents the payee's a complete of the Witness section and documents the payee's a complete of the Witness section and documents the payee's a complete of the Witness section and documents the payee's a complete of the Witness section and documents the payee's a complete of the Witness section and documents the payee's a complete of the Witness section and documents the payee's a complete of the Witness section and documents the payee's a complete of the Witness section and documents the payee's a complete of the Witness section and documents the payee's a complete of the Witness section and documents the payee's a complete of the Witness section and documents the payee's a complete of the Witness section and documents the payee's a complete of the Witness section and documents the payee's a complete of the Witness section and documents the payee's a complete of the Witness section and documents the payee's a complete of the Witness section and documents the payee's a complete of the Witness section and the witness the witness that the witness the witness that the witness th
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purpose.
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HOMMorbatton - RORBANKUSBONLY - 1711
BO Team Member Name: Ro. BS/ THOMAS. Date: 3/6/08
BO Name: BACKBACY. CBO Number: OGIR.
structions: Forward the original completed form to LP&S via intereffice meil at MC: MA1-MB3-02-05
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07/01/2008

삼기, 독대적 독,학자	NO.686 F01
617 262 2724 05/25/2008 THU 17:08 FAX 617 262 2724	
Sovereign Bank <sup>*</sup>	
Confirmation of Endorsement Form	
Configuration of the configura	•
Depositor/Customer Information	
Depositor/Customer Name: Priviles . L.C. Account Number	=6/900/6850
(alease print)	10 10 110
Address: 2 International PL. FLIG Buston 19	14 08110
Payee Information	
I am named as a payee on the following check:  Check No. 6038106 dated 3/4/58 in the amount of 4304, 849.6	2
Name of maker: SOUSA E.I. GOAL RANK	
Name of bank check is drawn on: Soven & GA.	
Name(s) of payee(s) ESCOM LLC	
Check One	
I represent and warrant that I endorsed the foregoing check and transferred it to:  [name of depositor/ouslomer].	<del>,</del>
[M represent and warrant that I transferred for consideration but without endorsement the forgoing check!	0: wkaament trensferads of
the check, as of the time of my transfer, the same warranties that would have been provided to them as a market that would have been provided to them as a market that would have been provided to them as a market that would have been provided to them as a market that would have been provided to them as a market that would have been provided to them as a market that would have been provided to them as a market that would have been provided to them as a market that would have been provided to them as a market that would have been provided to them as a market that would have been provided to them as a market that would have been provided to them as a market that would have been provided to them as a market that would have been provided to them as a market that would have been provided to them as a market that would have been provided to them.	atter of law valger
UCC 8 3-416 by virtue of my endorsement if I had endorsed the pleak, namely, that: 1) I am a person could	ed to enforce the check 2)
All signatures on the check are authoritic and authorized. 3) The check has not been altered. 4) The check is claim in recomponent of any party which can be asserted against me. S) I have no knowledge of any insolven	icy proceeding
commenced with respect to the maker, acceptor or drawer of the check.	•
Signature	
	and for measuration in
In consideration of the acceptance of the check by Sovereign Bank (the "Bank") for deposit into an account which I hold no interest or signing authority, I hereby agree to be subject to the remedies provided in UCC	§ 3-416(b).
Unsuructionar if payer is signize this form in the presence of a CBO Team Member, the CBO team member completes the Prigass see	
identification. Other wise the form must be natorised.)	
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CBO TM Signature: Payce Signature: 2	shiman
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CBO TM Signature: Payce Signature: 2 Payce Signature: 2 Payce Signature: 2 Payce Signature: 2 Payce Signature: 2 Payce Name: Total Tob  Payce ID: MAL # S 82D 94035  Payce ID: Notary Information  On this 677 day of MARCH , 2008, before me, the undersigned notary public, personally provided to me through eatisfactory avidence of identification, which we have the formation and identification.	88_ <i>JUU</i>
CBO TM Signature: The Manage of March Section of identification, which we to be the person whose pame is signed above, and asknowledged to me that he signed active one) signed it vol	88_ <i>JUU</i>
CBO TM Signature: Payce Signature: 2 Payce Signature: 2 Payce Signature: 2 Payce Signature: 2 Payce Signature: 2 Payce Name: Total Tob  Payce ID: MAL # S 82D 94035  Payce ID: Notary Information  On this 677 day of MARCH , 2008, before me, the undersigned notary public, personally provided to me through eatisfactory avidence of identification, which we have the formation and identification.	88_ <i>JUU</i>
CBO TM Signature: The Manager of the Manager of Identification, which we to be the person whose name is signed above, and neknowledged to me that he/she (strike one) signed it vol purpose.  Payce Signature: 2	untarily for its stated
CBO TM Signature: The Manage of March Section of identification, which we to be the person whose pame is signed above, and asknowledged to me that he signed active one) signed it vol	untarily for its stated
CBO TM Signature: Payce Signature: Payce Signature: CBO TM Name: Posse Signature: Payce Name: Color of the Co	A. THOMAS.
CBO TM Signature:  CBO TM Name:  CBO TM Name	A. THOMAS.
CBO TM Signature: Pages Signature: CBO TM Name: Pober THom 17 Payee Name: Total School Payee ID: May 4 S2D94035  Payee ID: May 4 S2D94035  Payee ID: Notary Information  On this May of MARCH 2008, before me, the undersigned notary public, personally Pater Huzsman proved to me through satisfactory evidence of identification, which we to be the person whose name is signed above, and asknowledged to me that height (atrike one) signed it vol purpose.  ROBBY My Simulassion expires:  CBO Information - FOR BANK USE ONLY  CBO Team Member Name: ROBS - THOMAS Date: 3 6 68*	A. THOMAS.
CBO TM Signature:  CBO TM Name:  CBO Na	A. THOMAS.
CBO TM Signature:  CBO TM Name:  CBO Taam Member Name:  CBO Team Member Name:  CBO Team Member Name:  CBO Team Member Name:  CBO Taam Member Name:  CBO Team	A. THOMAS.

Exhibit F



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Exhibit G

#### Statement Period 03/01/08 TO 03/31/08

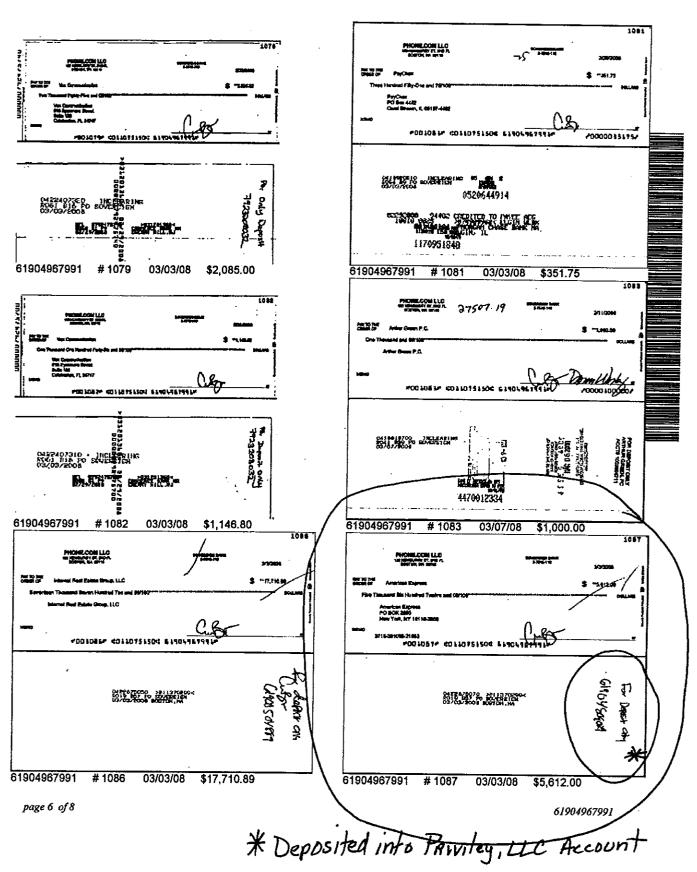


Exhibit H

Statement Period 04/01/07 TO 04/30/07

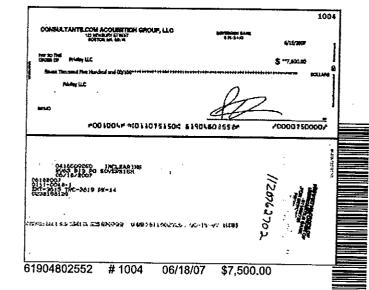
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61904802552 # 1001 04/2	26/07 \$6,500.00	<u></u>



61904802552

#### Statement Period 06/01/07 TO 06/30/07

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Statement Period 07/01/07 TO 07/31/07

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Statement Period 08/01/07 TO 08/31/07

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Exhibit I

#### CLAIMS BY ESCOM LLC, PHONE.COM LLC & CONSULTANTS.COM LLC

On behalf of Sovereign Bank ("Bank") customers Escom LLC ("Escom"), Phone.com LLC ("Phone"), and Consultants.com LLC ("Consultants"), demand is hereby made that Bank promptly reimburse these entities a total of \$500,961.62 for the negligence and other wrongs of the Bank described below. In each of these cases, the forgeries and/or frauds of Mr. Christopher Britt ("Britt")would not have been possible (and no harm would have come to Escom, Phone or Consultants) had not Bank acted in a negligent and wrongful fashion.

Contact by Bank on this matter to Escom, Phone and/or Consultants should be through the following attorneys for these entities:

Brian H. Leventhal, Esq. General Counsel WashingtonVC 600 Jefferson Street, Suite 320 Rockville, MD 20852 Tel: 301-775-9240

Fax: 301-576-3538

bleventhal@washingtonvc.com

Geoffrey R. Bok, Esq. Stoneman, Chandler & Miller 99 High Street Boston, MA 02110 Tel: 617-542-6789

Fax: 617-556-8989 gbok@scmllp.com

Please note that there may be additional transactions upon which claims will be made against Bank.

As requested by Bank, these matters were reported to the Office of the U.S. Attorney in Boston – which sent Escom, Phone and Consultants to talk to officials at the U.S. Postal Inspection Service at 495 Summer Street, Boston MA 02210. A meeting on these matters was held on June 17, 2008 with Postal Inspector/Fraud Team Leader Ms. Shelly A. Binkowski (tel: 617-556-4417) and Postal Inspector Ms. Kelly Blood (tel: 617-556-0429) who will be investigating this matter for possible criminal prosecution.

#### 1. \$304,849.62 Claim of Escom

As shown on the attached documents, the only approved signatories on the Escom accounts at Bank in March 2008 were Andrew Miller and Peter Hubshman. Yet, on March 4, 2008, Britt went to a Bank branch office in Boston and without authority (i) closed the Escom checking account (61904955806) and transferred the \$3,403.36 balance to Escom's money market account (61900164940), and (ii) then closed the Escom's money market account (61900164940) and put the entire balance of this account (\$304,849.62) into a Bank "official check" (0038106) made out to "ESCOM LLC"). Bank then gave this check to Britt. Britt then deposited this check made out to Escom without any endorsement into a Bank account that does not belong to Escom.

Bank's culpability on this claim is thus multiple – e.g., allowing Britt to close the Escom checking account, allowing Britt to close the Escom money market account, allowing Britt to

remove the closing proceeds from these accounts through the Bank's "official check", and finally allowing Britt to deposit the "official check" made out to Escom into a non-Escom account rather than sending these proceeds to Escom.

#### 2. \$150,000 Claim of Phone

As shown on the attached documents, a Fidelity Check for \$150,000 from Mr. Brian Lee Scott and others that was made out to "Phone.com LLC" was deposited, apparently by Britt, into Bank account 61900068503 (which is not a Phone.com account) without consent from Phone.com.

Thus, Bank's culpability on this claim is allowing Britt to deposit a \$150,000 check made out to Phone.com into a non-Phone.com account without a valid endorsement from any Phone account signatory.

#### 3. \$5,612 Claim of Phone

As shown on the attached statement, Britt took a Phone check from its Bank checking account (61904967991) for \$5,612.00 made out to "American Express" and deposited this check without any signature of endorsement into a Bank account not belonging to either American Express or Phone (apparently it was deposited into a Priviley LLC account controlled by Britt).

Thus, Bank's culpability on this claim is allowing Britt to deposit a \$5,612 check made out to American Express into a non-American Express or Phone.com account without a valid endorsement from any American Express or Phone account signatory.

#### 4. \$40,500 Claim of Consultants

As shown on the attached documents, Britt forged the signatures of the authorized signatories on Consultants' checking account (61904802552) on check numbers 1001, 1002, 1004, 1005, and 1006 — which total \$40,500. All of these checks are made out to Priviley LLC, a business that Britt owns and that has no business relationship with Consultants.

Thus, Bank's culpability on this claim is allowing Britt to deposit these five forged checks into his Priviley account without a valid endorsement from any Consultants account signatory.





To:		From:	
T	BRIAN	Donna Wol	fe, Vice President
_	Jen ( )	Dwolfe@sovere	ignbank.com
Company:		Date: 10-9-58	
Fax Number:	, SASSA	Total No. of Pages	Including Cover:
Phone Number:		Sender's Phone No	mber:
		617-236-2901	
RE:		Sender's Fox Num	ber:
		617-859-7937	
_Urgent	☐ For Review .	[] Please Comment	☐ Please Reply

## PRUDENTIAL BRANCH -800 BOYLSTON ST- BOSTON.MA 02199 617-236-0772- MA1 CBO 0619

This fax message contains information which may be confidential and privileged. Unless you are the addressee (or authorized to receive for the addressee), you may not use, copy or disclose to anyone the message or any information contained in the message. If you have received the message in error, please advise the sender and destroy the message. Thank you.



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Commo	nwealth/State of _	Massachusetts		<del></del>
C	ounty of Suffo	olk		
The undersigned, residing at the ac examined and the item is disputed  Substitute Check Involved Verbally Authorized Checks	ddress given below, on the grounds of: Forged or U Forged or U Altered An Endorseme Yes - Complete On	Unauthorized Sign Unauthorized End nount/Payee/Date nt Not as Drawn Une Adjustment	eck/draft/withdrawal nature orsement	avit to Adj. Dept
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	Use separate form	for each additio	nal 5 items)	-,
I certify that I have not authorized any received no proceeds or any other bene By my signature below, I agree to assis understand that if I fail to provide such conduct, which could result in the denist If any check listed above is a remotely check in the amount stated on the check	if it from the unauthorized or testify on behalf of assistance, the bank mal of reimbursement of the created draft, I hereby	zed payment/ negot of Sovereign Bank i nay treat that failun f my claim or certify that I did	iation of this item. in the resolution and/or e as ratification of the a (Customer initial)	prosecution of this matter. I allegedly unauthorized
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this day of		(2)	*****	
Notary Public	<del></del>	(3)		
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		Date: _		ime:
MAIL TO: Loss Prevention & Secu	urity Fraud Clah	ms MA1 MB	3 02-05 Revised 05.2	5.07

A. SUPPLEMENT TO AFFIDAVIT OF FORGERY:	Date:	***************************************
1.Affiant's Residential Address:	Phone:	
2.Business Address	Phone	
FORGED SIGNATURE:		
3. Checks taken from: (Address & specific location)	Date taken:	
4. Quantity taken:	Sanial Nada	
5. How were checks obtained by the forger?		
6. Police Department and case number: (Hard Copy prefer	red)	
7. Does Affiant know the payee? Explain:	Yes	□No
8. Was anything else missing? (Identification, ATM card,	Credit Card) 🗌 Yes 🗌 No If y	es, please describe below:
FORGED ENDORSEMENT:		
9. Did the payee ever have possession of the check?	☐ Yes	□ No
10. Did the payee endorse the check?	Yes	□ No
FORGED WITHDRAWAL:		
11. Savings account type: Passbook	Statement	
12. Where was the passbook/register kept?		
13 How was the passbook taken	Burglary Larceny	
14. Who had access to the passbook/register?		
ALTERATIONS: 15. How is the item altered?  Amount Date	Payee name	
B. GENERAL:		
16. Does affiant suspect a specific person?	☐ Yes	□No
State Name & Address:		
MAIL TO: Loss Prevention & Security Fraud Claims	MA1 MB3 02-05	

Revised 05.25.07

### Case 1:08-cv-11717-WGY Document 1-2 Filed 10/08/08 Page 31 of 73

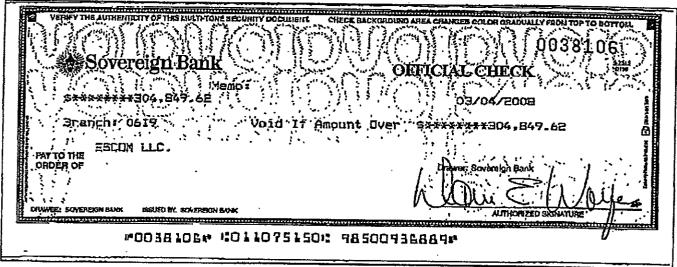
06/09/2008 MON 10:00 FAX		Ø004/005
17. Does affiant know a person fitting the suspect's description? State Name & Address:	Yes	□ No
	······································	

MAIL TO: Loss Prevention & Security Fraud Claims MA1 MB3 02-05

Revised 05,25.07

06/09/2008 MON 10:00 FAX 06/09/2008 MON 7:57 FAX

Ø005/005 Ø002/002



CaptureDate:03/05/2008 Account:98500936889 AltAcct:98500936889 Amount:8304,849.62 RT:11075150 TC:90 OrigTC:0
SerialNumber:38106 CaptureSite:610 DbCr:D EndPoint:0 AdjustmentFlag:- Onus\Transit:- SequenceNumber:433875940 IRD:0



# Fax

To:		From:	<del> </del>
Bein	~1	Donna Wolf	e, Vice President
	(~	Dwolfe@sovereig	inbank.com
Company:		Date: 6 - 9 - 05	2
Fax Number:		Total No. of Pages	Including Cover:
Phone Number:		Sender's Phone Num 617-236-2901	nber:
RE:		Sender's Fax Numb 617-859-7937	er:
_ Urgent	☐ For Review	☐ Please Comment	□ Please Reply

## PRUDENTIAL BRANCH -800 BOYLSTON ST- BOSTON.MA 02199 617-236-0772- MA1 CBO 0619

This fax message contains information which may be confidential and privileged. Unless you are the addressee (or authorized to receive for the addressee), you may not use, copy or disclose to anyone the message or any information contained in the message. If you have received the message in error, please advise the sender and destroy the message. Thank you.

Signature (	Gard	Date Opened: 01	/05/2006	By: <u>t</u>	Donna Wolfe
Institution N	ame & Address		Internal Use		
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Boston M	a 02110	·			
			123 NEWBURY ST 2ND BOSTON MA 02116	FLOOR	7"
			* 5	•	
ļ			Ownership of Acco	unt	
us to obtain suffi asked several quidentification to to outside sources to is protected by o	COUNT OPENING INFORMATION: Ficient information to verify your identification and to provide one or more fulfill this requirement. In some instance confirm the information. The inform privacy policy and federal law.	tity. You may be forms of nces we may use mation you provide	The specified ownership Individual Joint with Survivorsi Informal Trust	hip Co	rporation - For Profit rporation - Nonprofit rtnership le Proprietorship
Enter Business Enformation space	ntity Information below. There is add e on page 2.	litional Owner/Signer		, 🔲 ,Սդ	nited Liability Company Incorporated Association
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Home Phone	(617)418-8588		<u> </u>	ŀ	<del></del>
Work Phone	(617)517-9311				8
Mobile Phone					Cash Check
E-Mail	·				
Birth Date	03/25/65		,		
SSN/TBN ·	034-62-9289	1 T. A	Number of signatures requ	uired for withdrawal	: 1
Country of Citizenship	United States		Signature(s)		
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T Table 7 TO	Sup Approval	<b>!</b>	and employment history a	nd obtain reports fro	om consumer reporting
Secondary ID	EC -		agency(les) on them as in or other documents, each withdrawals from the acco	of the undersigned	otherwise provided by law is authorized to make a required number of
Occupation	PRESIDENT & CO FOUNDER	9	signatures indicated above	s is satisfied. The un	dersigned personally and
Employer's Name & Address	INTERNET REAL ESTATE.COM 123 NEWBURY ST 2NO FL BOSTON MA 02118		as, or on behalf of, the ac- acknowledge receipt of co —		
Mother's Matten Name			Deposit Account Agre		ormation 🔲 Privacy Policy
Business Entit	y Information		X Fee Schedule	CD Disci	losure
Name	ESCOM LLC				
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Phone	(617)517-9312		[	_	1
Mobile Phone			1.X		7
E-Maii	ł		Qualifile Approved	Sup. Approv	val ·
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06/09/2008 MON 10:43 FAX 06/09/2008 MON 10:30 FAX

Ø003/007 Ø002/002

**Escom LLC** 

61904955806

304 Newbury Street Suite #187 Boston, MA 02115 (517) 517-9301

March 6, 2008

Dear Sir or Madam:

I authorize Christopher Britt to sign on behalf of Escòm and also request that you remove Peter Hubshman from the Escom bank accounts.

3/6/08

Andrew Miller

Manager, Domain Name Acquisition Group LLC

Page: 1 Document Name: untitled

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**Ø**006/007

	LIMITED LIABILITY CON			N
Sovereign Bank Ne	w England	By: ESC	OM LLC	Tity Company)
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			(Ack	(ress)
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to i <u>PETER HUBSHMAR</u> the above named limited	Vability company organized under the	_, certify that I am a laws of! DELAWARE:	Littiguages of or a sector	Federal Employer I.D. Numb
20-4038609	engaged in business ur	nder the trade name o	FESCOMELC	
celled meeting held on	o1/04/2006  ers of the limited liability company to a hereinafter referred to as "Managers"	that the following is a of all members	a correct copy of resolution of the limited liability of the limited liability of the provider	ions adopted at a duly and proper company or the person or person and in the articles of organization (
B. Be it resolved that,				
1) The Financial Instituti	on named above is designated as a de	pository for the funds	of this limited liability co	mpany.
2) This resolution shall	continue to have effect until express v	vritten notice of its re	scission or modification	has been received and recorded t
Any of the persons in make any and all oth	ny, with respect to any deposits, will institution prior to the adoption of the amed below, so long as they act in a er contracts, agreements, all pulations from time to time with this Financial institution or any other business restrictions stated below.	representative capacity and orders which the	hey may deem advisable	ed Hability company, are authorized for the effective exercise of the thick Enancial Institution, money
6) Any and all prior rest he operation of this limit 6) This limited liability apresentative(s) of this other orders for the pay uppose. The Financial if ayay been affixed so long	Mutions adopted by the Managers of the disbility company's account(s), are is company agrees to the terms and limited lisbility company. The Financiament of money that are drawn on the stitution may relay on facsimile signatias they resemble the facsimile signating the financial institution from time to	his limited hability con full force and effect, conditions of any, al institution may cha a Financial institution tures, regardless of b ure specimens in sect	pany and certified to thi , unless supplemented or account agreement, pro account in the pro- graphic limited liability which contain the require which contain the require	is rinancial insultution as governin modified by this authorization, operly opened by any authorize company for all checks, drafts, c iried number of signatures for thi ans the facsimila signature(s) ma
; if indicated, any perso	n listed below (subject to any expresse	d restrictions) is suth	orized to:	
<b></b>	Name and Title	<u>سير</u>	Signature	Facsimile Signature
•	•	1. / M	**	•
	PRESIDENT CEO			
ol <u>Peter nobstiman</u>	CEO	116		
d)				
Indicate a, b, c and/or d				•
	(i) Exercise all of the powers listed in	n (ii) through (ul)	•	
3.8	(ii) Open any deposit or checking acc	countis) in the name o	f this limited liability con	зралу,
	(iii) Endorse checks and orders for	the payment of mo	ney and withdraw fund	ds on deposit with this Financia
	Institution. Number of	f authorizad signature	s required for this purpo	se
	(iv) Borrow money on behalf and in notes or other evidences of indeb	the name of this limit tedness.	ted liability company, sig	n, execute and deliver promissor
	Number o	f authorized signature	s required for this purpo	se
<u></u>	(v) Endorse, assign, transfer, mortge real estate or other property no security for sums borrowed, and negotiated or discounted and non-payment.	w owned or hereafte I to discount the sam to waive demand,	er owned or acquired by he, unconditionally guara presentment, protest,	y this limited liability company a intee payment of all bills received notice of protest and notice o
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Ø007/007

Signature			Date Opened: 5	01/05/2006	By: _i	Donna Wolfe
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IMPORTANT AC	COUNT OPENING IN	FORMATION: F	deral law requires	☐ Individual		rporation - For Profit
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is protected by	our privacy policy and	i federal law.	nauott Ann btoAins			e Proprietorship
Enter Business E	entity Information belo	ow. There is addi	tional Owner/Signer		X Lim	vited Liability Company
information space	e on page 2.				☐ Uni	incorporated Association
Owner/Signe	er Information 1			Formal Trust-Separat	ta Agreement Dated	t
Name	ANDREW'T MIL	LER		<b>                                   </b>		
Address -	32 STVART ST NEWTON MA 02459			Type of Account	Account #	Initial Deposit/Source
(No P.O. Boxes)	THE TOTAL MAY UZABS			Checking	61904965806	10.00
Mailing Address	•					X cash Check
Home Phone						
Work Phone	(617)416-6586	<del></del> .				
Mobile Phone	(617)517-9311			1 10	. ر	<u> </u>
E-Mail				6900164940	MONEY	Cash Check
Birth Date	03/25/65			•	1110	<b></b>
SSN/TIN	034-62-9289	1	<del></del>	N	MM.	
Country of Citizenship	United States	Irihii .	<del></del>	Number of signatures requ	ired for withdrawal	
1	AC - IDing TM	UNIS		Signature(s)	And Grandel Institute	
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To:		From:	

10000-0 ESCOM LLC 304 NEWBURY ST STE 487 BOSTON MA 02115-2839 Statement Period 03/81/08 TO 03/31/08 Primary Account #: 61904965806

For your convenience our Business Solution Center is evailable Monday through Friday, 8:00 a.m. to 6:00 p.m. Call us at 1-877-768-1145. www.sovereignbank.com

70340

Accept credit and debit payments and get next-day funds access! Offer your customers the payment choices they really want—and get faster access to that cash. With Sovereign Merchant Services, you'll benefit from:

- \* Next business day access to your funds (1)
- \* Affordable processing for businesses of any size
- \* Acceptance of all major credit cards and debit cards via terminals, telephone, Internet or mail order
- \* A full range of terminals and integrated point-of-sale systems
- \* Online account reconciliation and reporting
- \* State-of-the-art hardware and software

To get all the details on Sovereign Merchant Services, call the toll-free number at the top of this page, visit us online at sovereignbank.com, or email us at specserv@sovereignbank.com.

(1) Next-day funds access for VISA and MasterCard credit and signature-based debit card transactions only. Available when linked to your Sovereign business checking account and when all outlined procedures are followed.



Statement Period 03/01/08 TO 03/31/08 PRIMARY ACCOUNT #: 61904955506

### FREE BUSINESS CHECKING

Statement Period 03/01/08 - 03/31/08

**ESCOM LLC** 

Account # 61904955808

#### Batances -

Regionard Balance	\$ 403.05	Francis and State of	0.00
Deposits/Credits	+ \$0.00	Average Daily Balance	\$5,472.32
Withdrawals/Debits	11/0/19		

### **Account Activity**

Date	Description	Credits	Debits	Balance
03-01	Beginning Balance			\$3,403.35
	COLOSING TRANSACTION		F 10886	SU (A
03-31	Ending Balance			\$0.00



page 2 of 3

61904955806

Case 1:08-cv-11717-WGY Document 1-2 Filed 10/08/08 Page 43 of 73

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06/09/2008 NON 12:52 FAX Ø004/005 CUSTOMER ADDRESS WRITTEN AMOUNT Nate 03/04/08 17:24 Teller 002 CUSTOMER SIGNATURE <del>Nithd</del>raval AN: ######5806 Seq: 102 - 0619 Transaction Amount: Prior Day Closing Bal: \$3,403.35 ACCOUNT NUMBER AMOUNT Current Balancer \$3,403.35 Available Calances #5637m5594#

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06/09/2008 MON 12:52 FAX Ø005/005 ADVICE OF CREDIT Sovereign Bank New England FIDOSTNE beneme orbei CUSTOMER NAME Con WE CHEDIT YOUR ACCOUNT AS FOLLOWS: FEE REBATE DEPOSIT CORRECTION : D LOAN DISBURSEMENT Потнен . DETAILS OF TRANSACTION GREQUINGED): Date 03/04/08 17:24 Teller 002 Deposit AN: #######4940 Seq: 103 Transaction Anount: 0619 Prior Day Closing Bal: \$3,403.35 ACCOUNT NUMBER Current Balance: #301 TOTAL AMOUNT Available Balance:

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0433152430 >=11370279< R026 839 P1 SCVEREIGN . 03/04/2000 BOSTON,KA Exhibit J

### STONEMAN, CHANDLER & MILLER LLP

99 HIGH STREET BOSTON, MASSACHUSETTS 02110

TELEPHONE (617) 542-6789

FACSIMILE (617) 556-8989

WWW.SCMLLP.COM

NANCY N. NEVILS JOAN L. STEIN JOHN M. SIMON KATHERINE D. CLARK ANDREA L. BELL COLBY C. BRUNT

MIRIAM K. FREEDMAN OF COUNSEL

July 9, 2008

### By Certified Mail - RRR

ALAN S. MILLER

KAY H. HODGE

ROBERT CHANDLER

CAROL CHANDLER

ROBERT G. FRASER

GEOFFREY R. BOK

REBECCA L. BRYANT

Mr. Joseph P. Campanelli President and CEO Sovereign Bancorp, Inc. Sovereign Bank P.O. Box 12646 Reading, PA 19612

Re: Claims of Escom LLC, Phone.com LLC, Consultants.com LLC

Dear Mr. Campanelli:

On behalf of Sovereign Bank ("Bank") customers Escom LLC ("Escom"), Phone.com LLC ("Phone"), and Consultants.com LLC ("Consultants"), formal demand is hereby made pursuant to Mass. Gen. L. c. 93A that Bank within thirty (30) days of your receipt of this demand letter agree to reimburse or repay promptly these entities a total of \$500,961.62 for the unfair and deceptive trade practices described below. This demand is made on both Bank and its parent Sovereign Bancorp, Inc.

As I am sure Bank knows, Chapter 93A fully applies to the treatment by a bank of one of its customers. See generally Gossels v. Fleet National Bank, 69 Mass. App. Ct. 797 (2007) (Fleet Bank found to have violated Chapter 93A with respect to its wrongful conduct towards a bank customer).

As detailed in the attached document (with attachments) entitled "CLAIMS BY ESCOM LLC, PHONE.COM LLC & CONSULTANTS.COM LLC" (a copy of which was served on Bank employee Ms. Laura Boulay on June 18, 2008), which is fully incorporated herein by reference (the "Claim Summary"), Bank wrongfully allowed Mr. Christopher Britt ("Britt") to access, transfer and otherwise

### STONEMAN, CHANDLER & MILLER LLP

Mr. Joseph P. Campanelli July 9, 2008 Page 2

expropriate at least \$500,961.62 in money that belongs to Escom, Phone and Consultants (the "Lost Funds"). At no time was Britt on any Bank record an approved signatory for these Escom, Phone and Consultants accounts. Although Britt acted illegally (and this matter has been reported by my clients for prosecution by the Federal authorities), Britt would not have been able to obtain the Lost Funds (and no financial harm would have come to Escom, Phone and/or Consultants) had not Bank repeatedly acted in a grossly negligent, unfair, deceptive, willful, knowing and wrongful fashion that violates Mass. Gen. L. c. 93A as well as Bank's contractual, common law, statutory and/or fiduciary relationship with Escom, Phone and Consultants.

In addition, and despite having received the Claim Summary on June 18, 2008, Bank has also wrongfully refused to date to repay Escom, Phone and Consultants the Lost Funds even though it is very clear that Bank's actions and/or inactions resulted in this loss. This refusal by Bank to reimburse or repay Escom, Phone and Consultants the Lost Funds is itself an unfair, deceptive, willful, knowing and wrongful act that violates Mass. Gen. L. c. 93A as well as Bank's contractual, common law, statutory and/or fiduciary relationship with Escom, Phone and Consultants.

Furthermore, Bank's continued failure to reimburse or repay Escom, Phone and Consultants has and will continue to cause additional substantial economic harm to all of these entities in amounts that have yet to be quantified, including due to lost opportunities and profits resulting from the unavailability of the Lost Funds.

In light of the foregoing, Escom, Phone, and Consultants demand that Bank and/or Sovereign Bancorp, Inc. reimburse or repay these entities the Lost Funds pursuant to the allocation described in the Claim Summary.

Under Mass. Gen. L. c. 93A, you have thirty (30) days from your receipt of this letter to respond with a reasonable offer of settlement. If you fail to do so, sections 9 and/or 11 of that statute provide that you can be found liable for multiple (up to triple) damages as well as the reasonable attorneys fees and costs incurred by Escom, Phone, and Consultants for the prosecution of this action.

### STONEMAN, CHANDLER & MILLER LLP

Mr. Joseph P. Campanelli July 9, 2008 Page 3

Finally, unless the Lost Funds are reimbursed as demanded in this letter, a request is hereby made for a complete copy of the investigative files and reports of Ms. Laura Boulay and Bank in this matter.

If you have any further questions on this matter, please have your attorney contact either me or Attorney Brian H. Leventhal, Esq. at the address on the Claim Summary. Thank you.

Sincerely,

Geoffrey R. Bok

GRB/g Enclosure

cc: Denise A. Gaudet, Esq.

(By email and first class mail)

Brian H. Leventhal, Esq.

(By email only)

### CLAIMS BY ESCOM LLC, PHONE.COM LLC & CONSULTANTS.COM LLC

On behalf of Sovereign Bank ("Bank") customers Escom LLC ("Escom"), Phone.com LLC ("Phone"), and Consultants.com LLC ("Consultants"), demand is hereby made that Bank promptly reimburse these entities a total of \$500,961.62 for the negligence and other wrongs of the Bank described below. In each of these cases, the forgeries and/or frauds of Mr. Christopher Britt ("Britt") would not have been possible (and no harm would have come to Escom, Phone or Consultants) had not Bank acted in a negligent and wrongful fashion.

Contact by Bank on this matter to Escom, Phone and/or Consultants should be through the following attorneys for these entities:

Brian H. Leventhal, Esq. General Counsel WashingtonVC 600 Jefferson Street, Suite 320 Rockville, MD 20852 Tel: 301-775-9240

Fax: 301-576-3538 bleventhal@washingtonvc.com

Geoffrey R. Bok, Esq. Stoneman, Chandler & Miller 99 High Street Boston, MA 02110 Tel: 617-542-6789 Fax: 617-556-8989

gbok@scmllp.com

Please note that there may be additional transactions upon which claims will be made against Bank.

As requested by Bank, these matters were reported to the Office of the U.S. Attorney in Boston – which sent Escom, Phone and Consultants to talk to officials at the U.S. Postal Inspection Service at 495 Summer Street, Boston MA 02210. A meeting on these matters was held on June 17, 2008 with Postal Inspector/Fraud Team Leader Ms. Shelly A. Binkowski (tel: 617-556-4417) and Postal Inspector Ms. Kelly Blood (tel: 617-556-0429) who will be investigating this matter for possible criminal prosecution.

### 1. \$304,849.62 Claim of Escom

As shown on the attached documents, the only approved signatories on the Escom accounts at Bank in March 2008 were Andrew Miller and Peter Hubshman. Yet, on March 4, 2008, Britt went to a Bank branch office in Boston and without authority (i) closed the Escom checking account (61904955806) and transferred the \$3,403.36 balance to Escom's money market account (61900164940), and (ii) then closed the Escom's money market account (61900164940) and put the entire balance of this account (\$304,849.62) into a Bank "official check" (0038106) made out to "ESCOM LLC"). Bank then gave this check to Britt. Britt then deposited this check made out to Escom without any endorsement into a Bank account that does not belong to Escom.

Bank's culpability on this claim is thus multiple – e.g., allowing Britt to close the Escom checking account, allowing Britt to close the Escom money market account, allowing Britt to

remove the closing proceeds from these accounts through the Bank's "official check", and finally allowing Britt to deposit the "official check" made out to Escom into a non-Escom account rather than sending these proceeds to Escom.

### 2. \$150,000 Claim of Phone

As shown on the attached documents, a Fidelity Check for \$150,000 from Mr. Brian Lee Scott and others that was made out to "Phone.com LLC" was deposited, apparently by Britt, into Bank account 61900068503 (which is not a Phone.com account) without consent from Phone.com.

Thus, Bank's culpability on this claim is allowing Britt to deposit a \$150,000 check made out to Phone.com into a non-Phone.com account without a valid endorsement from any Phone account signatory.

### 3. <u>\$5,612 Claim of Phone</u>

As shown on the attached statement, Britt took a Phone check from its Bank checking account (61904967991) for \$5,612.00 made out to "American Express" and deposited this check without any signature of endorsement into a Bank account not belonging to either American Express or Phone (apparently it was deposited into a Priviley LLC account controlled by Britt).

Thus, Bank's culpability on this claim is allowing Britt to deposit a \$5,612 check made out to American Express into a non- American Express or Phone.com account without a valid endorsement from any American Express or Phone account signatory.

### 4. \$40,500 Claim of Consultants

As shown on the attached documents, Britt forged the signatures of the authorized signatories on Consultants' checking account (61904802552) on check numbers 1001, 1002, 1004, 1005, and 1006 – which total \$40,500. All of these checks are made out to Priviley LLC, a business that Britt owns and that has no business relationship with Consultants.

Thus, Bank's culpability on this claim is allowing Britt to deposit these five forged checks into his Priviley account without a valid endorsement from any Consultants account signatory.

06/09/2008 MON 9:59 FAX

Ø001/005



# Fax

To:		From:			
BRIAN		Donna Wol	fe, Vice President		
	75.11714	Dwolfe@sovere	ignbank.com		
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### PRUDENTIAL BRANCH -800 BOYLSTON ST- BOSTON.MA 02199 617-236-0772- MA1 CBO 0619

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2.Business Address		
FORGED SIGNATURE:	Phone	·
3. Checks taken from: (Address & specific location)		
	Date taken:	
4. Quantity taken:	Serial No's	
5. How were checks obtained by the forger?   Burglary Additional comments:		
6. Police Department and case number: (Hard Copy preferre	xd)	
7. Does Affiant know the payee? Explain:	Yes	□ No
8. Was anything else missing? (Identification, ATM card, Car	redit Card) Yes No If y	es, please describe below
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Did the payee ever have possession of the check?	☐ Yes	□ No
10. Did the payee endorse the check?	Yes	□ No
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1. Savings account type: Passbook	Statement	
2. Where was the passbook/register kept?	***************************************	
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Revised 05.25.07

### Case 1:08-cv-11717-WGY Document 1-2 Filed 10/08/08 Page 54 of 73

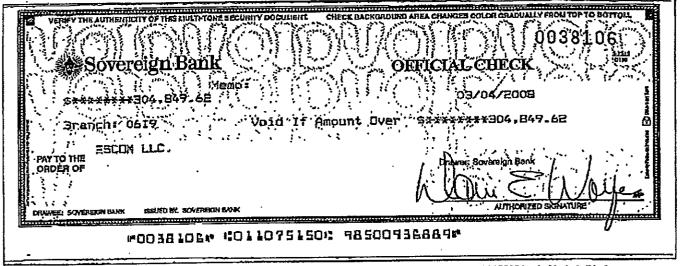
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17. Does affiant know a person fitting the suspect's description? State Name & Address:	☐ Yes	□ No
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MAIL TO: Loss Prevention & Security Fraud Claims

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Revised 05.25.07

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### **Escom LLC**

61904955806

304 Newbury Street Suite #187 Boston, MA 02115 (617) 517-9501

March 6, 2008

Dear Sir or Madam:

I authorize Christopher Britt to sign on behalf of Escòm and also request that you remove Peter Hubshman from the Escom bank accounts.

Andrew Miller

Manager, Domain Name Acquisition Group LLC

3/6/08

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Ø005/007

CUSTOMER NAME C SCOM LCC DA	# 3 4(08)	MIIIIMAWAI	
CUSTOMER ADDRESS WRITTEN AMOUNT TWEE HUNDRED, SOUR CUSTOMER SIGNATURE	6	04/08 17:26 Tir 003 ( Seo 0075 061	)
. ACCOUNT NUMBER			AMOUNT
61900164940	\$	304,849	7.62
#5637m5544#			

CaptureDate:03/04/2008 Account:61900164940 AltAcot:61900164940 Amount:\$304,849.62 RT:56375594 TC:94 OrigTC:0
SerialNumber:0 CaptureSite:610 DbCr:D EndFoint:0 AdjustmentFlag:- Onus\Transit:- SequenceNumber:433153670 IRD:0 BLNK:0

0433153670 >211370299< -R026 840 P1 SOVEREIGN 03/04/2008 BOSTON, MA 06/09/2008 MON 10:44 FAX

Ø006/007

, 	LIMITED LIABILITY	COMPANY AUTHORIZATION RESOLUTION	ON "
Sovereign Bank 75 State St	( New England	By: ESCOM LLC	
Boston Me 02110			bility Company)
DOTE: 180 02170		123 NEWBURY ST 2ND FLO	KOR Kiress
	•	BOSTON MA 02116	
•		ICity, State	and Zip Code)
A. I. PETER HUBSH	MAN	, certify that I am a manager of, or a mem	ber designated to act on behalf
the above named lin	nited liability company organized unde	er the laws of DELAWARE	- Federal Employer I.D. Noo
20-4038609	, engaged in busin	sess under the trade name of <u>ESCOMLLC</u>	<u> </u>
nelled massing hold	0.0000000000000000000000000000000000000	, and that the following is a correct copy of resolut	ions adopted at a duly and prop
designated by the m	embers of the limited flability comparent hereinafter referred to as "Mac	of all members of the limited liability of name of the limited liability company as providingers. These resolutions appear in the minutes of	company or the person or pers
B. Be it resolved th	at,		
1) The Financial ins	titution named above is designated as	s a depository for the funds of this limited liability co	mpany.
2) This resolution s his Financial Institut	hall continue to have effect until expi	ress written notice of its rescission or modification	has been received and recorded
o make any and all	other contracts, agreements, atlout	its, withdrawals, rediscounts and borrowings by one of this resolution are hereby ratified, approved and it in a representative capacity as agents of this limite lations and orders which they may deem advisable inancial institution, concerning funds deposited in usiness transacted by and between this limited list is of this limited list, are in full force and effect, unless supplemented or a and conditions of any account agreement, properties and institution may charge this limited liability on the Financial Institution which contain the requisignatures, regardless of by whom or by what mestignature specimens in section C, or the facsimile signature specimens in section C, or the facsimile signature specimens in section C.	on Hability Company, are authorized for the effective everying of
. Il moicated, any pe	erson listed below (subject to any exp		
·	Name and Title	Signature	Facsimile Signature
a) ANDREW MILLED	PRESIDENT.	1 / M	
PETER HUBSHMA	AN CEO		·
)		110	
D			
ndicate a, b, c and/o	er d	· · · · · · · · · · · · · · · · · · ·	
	(i) Exercise all of the powers lis		
	(ii) Open any deposit or checking	g account(s) in the name of this limited liability comp	pany.
	(iii) Endorse checks and orders	for the payment of money and withdraw fund	s on deposit with this Financ
	Numi	ber of authorized signatures required for this purpos	e
	notes of other syldances of th		
		ber of authorized signatures required for this purpos	
<u></u>	sacurity for sums borrowed, negotiated or discounted a	ortgage or pledge bills receivable, werehouse receip y now owned or hereafter owned or acquired by and to discount the same, unconditionally guaran and to waive demand, presentment, protest, no ber of authorized signatures required for this purpos	this limited liability company a tee payment of all bills received otice of protest and notice of
		ne purpose of renting and maintaining a Safe Deposit	
	Number of authorized person	ons required to gain access and to terminate the leas	r ⊷vv an ense chisticist iUsetrijou r
I further certify that viul authority to ack thority to exercise th	t the Managers of this limited liability	y company have, and at the time of adoption of the confer the powers granted to the persons named	de reschibles had \$18
•	In Witness Whereast I have become	of subscribed my name and attended	Date Hartana Harm
	01/05/2006	subscribed my name and affixed the seal, if any, a	or true limited liability company o
	(date)	T 1/1/20 11 11	)
		1 Stil	
•		Meren	
		• •	
-			
	Seal	Attest by One Other Manager	

Ø007/007

Signature		Date Opened: 0	1/05/2006	By: _D	onna Wolfe
Institution I	lame & Address		Internal Use		
Sovereig	m Bank New England	a a	Account Title & Ac	Idress	
75 State			ESCOM LLC		•
Boston M	a 02110		•		•
_ '	•	1			
		İ	123 NEWBURY ST 2ND	FLOOR	
	•	1	BOSTON MA 02116		
	•	[			
	•	į	Ownership of Acco	unt	
			The specified ownership		a for all accounts
MPORTANT AC is to obtain suff	COUNT OPENING INFORMATION: icient information to verify your id	: Federal law requires	☐ Individual		poration - For Profit
iskea several qu	lestions and to provide one or mor	e forms of	Joint with Survivors		poration - Nonprofit
iutside sources	fulfill this requirement. In some ins to confirm the information. The inf	stances we may use formation you provide	☐ Informal Trust	☐ Part	nership
s protected by c	our privacy policy and federal law.			☐ Sole	Proprietorship
inter Business E Normation spac	ntity information below. There is a	additional Owner/Signer			ted Liability Company
	r Information 1		☐ Formal Trust-Separat	Unir -ttttttttttttt-	ncorporated Association
O <i>vvireir Sigitte</i> Vane			Control of the state of the sta	e Agreement Dateg;	
<u> </u>	ANDREW T MILLER 32 STUART ST		Type of Account	Account #	Initial Deposition
No P.O. Boxes)	NEWTON MA 02459		Checking	61904955806	Initial Deposit/Source
failing Address			Contracting 1	01804803600	4 10.00 ☐ Check
f different)					In Check
iome Phone	(617)416-6586				
York Phone fobse Phone	(617)517-9311		( )		
Mail			6900164940	MONEY	Cash Check
irth Date	03/25/65			1110	
SN/TIN	034-82-9289		Attumbed of almost uses a con-	MIM 4	<u> </u>
ountry of fitenship	United States		Number of signatures requisitions of signature(s)	ared for withdrawal:	<u> </u>
imary IO	KC - fDing TM		The undersigned authorize	the financial institut	ion to immediate credit
	Sup Approvai		and employment history as	nd obtain reports from	Ti CODSUME reporting
condary ID	EC.		agency(les) on them as ind or other documents, each	of the undersigned is	authorized to make
coupation	PRESIDENT & CO FOUND	7	withdrawals from the acco signatures indicated above	is satisfied. The und	lersigned personally and
ngloyar's Name	INTERNET REAL ESTATE.COM		as, or on behalf of, the acc acknowledge receipt of cor	ount owner(s) agree:	to the terms of, and
Address	123 NEWBURY ST 2ND FL BOSTON MA 02116	į.		• • • • • • • • • • • • • • • • • • • •	•
other's siden Marna			Deposit Account Agree	ement 📙 Rate Infor	mation  Privacy Policy
	y Information		☑ Fee Schedule	CD Disclo	SUR
me I	ESCOM LIC 20-4038609		<del>lul</del> .		<u> </u>
one	(617) 517-9312		Γ		ı
obile Phone	(017/017-9512		Lx		
Ke3		<del></del>	Qualifile Approved	Sun Annous	i
its/Country & Date Organization	DE /		ж.	oup. Approva	·
	01/04/06		x		7
ture of <del>siness</del>	MARKETING	ļ	LX		
iress	123 NEWBURY ST 2ND FLOOR		Qualifile Approved	Sup. Approva	l
P.O. Boxes}	BOSTON MA 02118		Ţ		7
Ring Address			Lx		
lifferent)			Qualifile	Cun Annousel	
nary Purpose	Operating			dop. Approva	
ccount	aborates?				7
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xSystems	×Yes □No Ressort V □ ∏	GUO!			
ky Performed			Authorized Signer (If ch		

Case 1:08-cv-11717-WGY Document 1-2 Filed 10/08/08 Page 63 of 73



## Fax

ERROR

To:		From		
BEIA	~1	Donna Wolf	e, Vice President	
PC/12/2		Dwolfe@sovereig	nbank.com	
Company:		(2-01-008) Date:		
Fax Numbers		Total No. of Pages	Including Covers	
Phone Number:		Sender's Phone Nun	niser:	
		617-236-2901	•	
RE:		Sender's Fax Numb	er:	
	<del> </del>	617-859-7937		
_ Urgent	☐ For Review	☐ Please Comment	☐ Please Reply	

10000-0 ESCOM LLC 304 NEWBURY ST STE 487 BOSTON MA 02115-2839 Statement Period 03/61/08 TO 03/31/08 Primary Account #: 61904965808

For your convenience our Business Solution Center is available Monday through Friday, 8:00 a.m. to 6:00 p.m. Call us at 1-877-768-1145. www.sovereignbank.com

70340

Accept credit and debit payments and get next-day funds access! Offer your customers the payment choices they really want—and get faster access to that cash. With Sovereign Merchant Services, you'll benefit from:

- \* Next business day access to your funds (1)
- \* Affordable processing for businesses of any size
- \* Acceptance of all major credit cards and debit cards via terminals, telephone, Internet or mail order
- \* A full range of terminals and integrated point-of-sale systems
- \* Online account reconciliation and reporting
- \* State-of-the-art hardware and software

To get all the details on Sovereign Merchant Services, call the toll-free number at the top of this page, visit us online at sovereignbank.com, or email us at specsery@sovereignbank.com.

(1) Next-day funds access for VISA and MasterCard credit and signature-based debit card transactions only. Available when linked to your Sovereign business checking account and when all outlined procedures are followed.



Statement Period 03/01/98 TO 03/31/08 PRIMARY ACCOUNT #: 61904955806

### FREE BUSINESS CHECKING

Statement Period 03/01/08 - 03/31/08

**ESCOM LLC** 

Account # 61904955806

#### Balances -

Beginning Balance	\$8 W \$5	Ending Balance	
Deposits/Credits	+ \$0.00	Average Dally Balance	\$5,472.32
V/thoravals/Debits			

### **Account Activity**

Date	Description	Credits	Debits	Balance
03-01	Beginning Balance			3,403.35
	OLUSING HANSACTRIN LE ZUI			
03-31	Ending Balance			\$0.00



Case 1:08-cv-11717-WGY Document 1-2 Filed 10/08/08 Page 66 of 73

06/09/2008 MON 12:52 FAX **2004/005** CUSTOMER NAME CUSTOMER ADDRESS WRITTEN AMOUNT Nate 03/04/08 17:24 Teller 002 CUSTOMER SIGNATURE <del>Withd</del>raval 9eq: 102 AN: #22####5806 0619 Transaction Anounts Prior Day Closing Pal: \$3,403,35 ACCOUNT NUMBER AMOUNT \$3,403.35 Current Balancer Available Galance: 455537055944

CaptureDate: 03/04/2008 Account: 61904955806 AltAcct: 61904955806 Amount: \$3,403.35 ET: 56375594 TC: 94 OrigTC: 0
SerialNumber: 0 CaptureSite: 610 DbCr: D EndPoint: 0 AdjustmentFlag: - Onus\Transit: - SequenceNumber: 433152440 IRD: 0 BLMK: 0

0433152440 >211370299< R026 E39 P1 SOVEREIGN 03/04/2008 BOSTON, MA

	<u>⊿</u> 005/005
ADVICE OF CREDIT Sovereign Bank Now England  CUSTOMER NAME  CUSTOM	ALDOSANE per date 04/08)
WE CREDIT YOUR ACCOUNT AS POLICIES:  PREPAREDISY    □ FEE REBATE   □ DEPOSIT COLUMN    APPROVED BY   □ DETAILS OF TRANSACTION (REQUIRED):    □ DETAILS OF TRANSACTION (REQUIRED):	BRECTION
ACCOUNT NUMBER  ACCOUNT NUMBER  ACCOUNT NUMBER  ACCOUNT NUMBER  Current Balance:	0619
6/900/64940 s s s s s s s s s s s s s s s s s s s	3403.35

CaptureDate: 03/04/2008 Account: 61900164940 AltAcct: 61900164940 Amount: \$3,403.35 RT: 56375530 TC: 30 OrigTC: 0 SerialNumber: 0 CaptureSite: 610 DbCr: C EndPoint: 0 AdjustmentFlag: - Onus\Transit: - SequenceNumber: 433152430 IRD: 0 BLNK: 0

Exhibit K

Denise A. Gaudet, Esq. Assistant General Counsel 75 State Street MA1-SST-04-01 Boston, Massachusetts 02109 dgaudet@soverelgnbank.com

Telephone:

(617) 757-5435

Fax:

(484) 338-2842





To:	Geoffrey R. Bok, Esq.	From: Denise A. Gaudet, Esq.
Fax: 617-556-8989		Pages: 5 (including this cover page)
Phones	617-542-6789	Date: July 11, 2008
Cct		
MESSA		

If you should have any questions or a problem with this transmission, please call:

Carolyn L. Williams 617-757-5625

#### CONFIDENTIALITY NOTICE

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If you receive this facsimile message in error, please immediately notify us by telephone at the number listed above to arrange for the return of the original documents.

### Sovereign Bank

July 11, 2008

BY FACSIMILE AND FIRST CLASS MAIL

Geoffrey R. Bok, Esquire Stoneman, Chandler & Miller LLP 99 High Street Boston, Massachusetts 02110

Dear Mr. Bok:

This is to advise you that Sovereign Bank has today placed an administrative freeze on the accounts listed below, all of which are associated with Andrew Miller.

We are taking this action in accordance with the terms of our Business Deposit Account Agreement because we have been unable to determine who is authorized to act on behalf of the entities listed below. Mr. Miller, who has verbally stated that he is authorized to transact business on these accounts, has refused to provide current resolutions and to execute new signature cards. In addition, as I have stated on a couple of occasions and in light of the significant claim being asserted against the bank for allegedly unauthorized transactions, we must have the operating and management agreements for all these entities, both to conduct our investigation of the claim being asserted against the bank and because we must review these documents to confirm who is actually authorized to act on behalf of these companies.

Therefore, in order for the bank to remove the administrative freeze for any of the accounts listed below, we must have the proper organizational and management agreements and properly completed and executed LLC resolutions and signature cards for each entity. The operating and management agreements may be sent to my attention either by mail or by fax to 484-338-2842.

The accounts on which the administrative freeze has been placed are:

Alerts.Com, LLC # 61904809847 (Checking)

Sovereign Bank Legal Department 75 State Street Meil Code MA1 SST 04 01 Boston, Massachusetts 02109 Approvals.Com, LLC # 61904809821 (Checking)

Carbs.Com, LLC # 61904942648 (Checking)

Chocolate.Com, LLC # 41800001715 (Checking) # 61904955392 (Checking)

Internet Real Estate Group, LLC # 61900169519 (Money Market) # 41801006515 (Money Market) # 61904971373 (Checking) # 61900504889 (Checking)

Jeans.Com, LLC #61904967272 (Checking)

Love Tactics.Com, LLC #61904938299 (Checking)

Medical Devices. Com, LLC #61904971878 (Checking)

Patents.Com, LLC #61904809227 (Checking)

PetFood.Com, LLC #61904809839 (Checking)

Phone.Com, LLC #61904967991 (Checking) #61900167786 (Money Market)

Relationship.Com, LLC #61900505928 (Checking)

Safety.Com, LLC #61904942481 (Checking)

SEM.Com, LLC

Sovereign Bank Legal Department 75 State Street Mail Code MA1 SST 04 01 Boston, Massachusetts 02109 #61904809169 (Checking)

Software.Com, LLC #61904955798 (Checking) #61900165020 (Money Market)

Sweepstakes.Com, LLC #61904971563 (Checking)

WeddingGift.Com, LLC #61904971183

Win In Love. COM, LLC #61904802578 (Checking) #61904802610 (Merchant Account)

Consultant.com #61904802552 (checking)

With respect to the demand for reimbursement, in order for the bank to complete its investigation of the claim being asserted for unauthorized withdrawals, our Loss Prevention and Security Department has indicated that we require, in addition to the operating and management agreements for the applicable companies, the following information:

- 1. The date on which the alleged perpetrator, Christopher Britt ("Britt"), was hired by Internet Real Estate Group ("IREG"), his job title and a detailed description of his job responsibilities;
- 2. A detailed description of Britt's responsibilities for the deposit accounts maintained by IREG and affiliated companies;
- 3. Information regarding the transition of Britt from employee to accountant;
- 4. Information regarding whether Mr. Miller signed any letter or other documentation authorizing Britt to conduct banking transactions on any IREG or affiliated accounts, including using online banking services, and if so, when and for what accounts;
- Information regarding whether Mr. Miller ever allowed Britt to sign any checks or conduct transactions on behalf of IREG or the affiliate companies;

Sovereign Bank Legal Department 75 State Street Mail Code MA1 SST 04 01 Boston, Massachusetts 02109

- 6. Information regarding signature of Peter Hubshman on a confirmation of endorsement dated March 6, 2008 of the \$300,000 check made payable to Escom LLC and deposited into an account in the name of Priviley LLC; and
- 7. Information regarding whether Britt has made any restitution to IREG or its affiliated companies.

I note that this is not an exhaustive list of the information and documents we need to complete our investigation but represents the items needed at the present time to move our investigation forward. We reserve the right to request additional information should the need arise.

Should you have any questions, please feel free to telephone me at 617-757-5435.

Yery truly yours,

Denise A. Gaudet, Esq.

cc:

C. Lynch

D. Wolfe

L. Boulay

H. Flanders